IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

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WRIT PETITION NO : 1335 of 1995

Between:

P.Raja Reddy, age: 40 years,

S/o. Rami Reddy
r/o.Tirupati, Chittoor District.

..... PETITIONER

AND

1. The Registrar,

A.P.Agrilcultural University,

Rajendranagar, Hyderabad.
2. The Associate Director of Research,

Regional Agricultural. Research Station,
A.P. Agricultural University,

Tirupati, Chittoor District.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or order or direction directing the 1st respondent to promote the petitioner as Upper Division Stenographer as per the Seniority by declaring the action of 1st respondent in not considering the Clerk-cum-Typists (Junior Assistants) qualified in shorthand for promotion to the posts Upper Division Stenographers as illegal and unconstitutional.

Counsel for the Petitioner: MR.T.BALI REDDY

Counsel for the Respondent No.1: MR.B.SIVA REDDY

Counsel for the Respondent No.2: None appeared

The Court made the following:

ORDER:

Heard both sides.

The Petitioner seeks a declaration that the action of first respondent in not considering the cases of the Clerk-cum-Typists (Junior Assistants) qualified in shorthand for promotion to the posts of Upper Division Stenographers is illegal and for, a consequential direction to the first respondent to promote him as Upper Division Stenographer as per the seniority.

2) From the affidavit, filed in support of the writ petition,
it seems that the petitioner was appointed as Clerk-cum-Typist on 13-04-1983 in the first respondent-A.P. Agricultural University, Hyderabad. He possessed shorthand lower grade examination in English, typewriting higher grade in English and type writing lower grade in Telugu. Subsequently, he passed shorthand higher grade examination in English. It is stated that the service conditions of the Ministerial Staff are governed by the A.P. Agricultural University Ministerial Service Regulations, 1981, (for short 'the Regulations') and that as per the said Regulations, the posts of Lower Division Clerks, Typists, Clerk-cum-Typists, and Lower Division Stenographers are placed under the category III. The next higher cadre is category II, under which the posts of Upper Division Clerks and Upper Division Stenographers are included. It is further stated that all the posts mentioned in the

category III are eligible for promotion as Upper Division Clerks. But, so far as the posts of Upper Division Stenographers are concerned, only Lower Division Stenographers/Typists, who are qualified in shorthand, are eligible. It is further stated that though the post, which was held by the petitioner, was initially designated as Clerk-cum-Typist, subsequently by an amendment, dated 14-07-1986, the same was designated as Junior Assistant-cum-Typist and further he had been placed in full additional charge of Upper Division Stenographer for some time and in spite of his representation, his request for promotion was not considered by the University Authorities.

3) It is further stated that as per the Regulations, all the posts of Typists were converted as Clerk-cum-Typists from
05-10-1981. Therefore, it is his contention that wherever the word 'Typist' occurs in the Regulations, the same has to be read as 'Clerk-cum-Typist'. Consequently, the Clerk-cum-Typist qualified in shorthand is eligible to be promoted as Upper Division Stenographer as per the seniority.

4) In the counter affidavit, it is stated that the petitioner was originally appointed as Junior Assistant-cum-Typist during the year 1983 under Casual Labour quota and he joined at Regional Agricultural Research Station, Tirupati, on 18-04-1983. He was placed in full additional charge of vacant post of Upper Division Stenographer as he possessed shorthand qualification and he was paid additional pay for six months as per Rules. It is further stated that as per new recruitment policy i.e., A.P. Agricultural University Ministerial Service Regulations, 1981, the method of recruitment for the post of Upper Division Stenographer is as given below:

> "By promotion of Lower Division Stenos/Typists qualified in Shorthand in the Administrative Office and those in Colleges/Research Stations." Further under Regulation 6 (4)
>
> i) "In a unit of 13 vacancies of U.D. Stenos, the 6th vacancy shall be filled by promotion of L.D. Stenographers in the Administrative Office and the remaining 12 vacancies shall be filled by promotion of L.D. Stenos in Colleges/Research Stations until the seniority list of existing incumbents are exhausted. Thereafter promotion to the posts of U.D.Stenos shall be made from the category of L.D.Stenos and Typists who are qualified in Shorthand. ii) the Inter-seniority of L.D.Stenos and Typists qualified in shorthand shall be fixed with reference to the date of their first appointments to the respective posts."

5) It is further stated in the counter-affidavit that as per Regulation 4 of the Regulations, the ratio between Administrative office and Moffusil Unit are applicable to those who were appointed prior to 1981 and that the Lower Grade Stenographers were promoted as Upper Division Stenographers on 06-01-1995 only after the New Regulations came into force. It is further stated that only those incumbents, who were either Lower Division Stenographers or Typists having shorthand qualification prior to 1981, alone were considered for promotion as Upper Division Stenographers.

6) Obviously, as per the averment made in the counter affidavit, the petitioner was appointed as Junior Assistant-cum-Typist subsequent to the year 1981.

7) Therefore, having regard to the facts and circumstances stated in the counter affidavit, I do not find any merit in the writ petition and the same is liable to be dismissed.

8) Accordingly, the Writ Petition is dismissed. No costs.

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D.S.R. VARMA, J

23rd September, 2004

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To

1. The Registrar,

A.P.Agrilcultural University,

Rajendranagar, Hyderabad.

2. The Associate Director of Research,

Regional Agricultural. Research Station,
A.P. Agricultural University,

Tirupathi, Chittoor District.

3. Two CD copies